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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,453	03/12/2004	Donald L. Van Creveld	2003P18809US	7707

7590 04/05/2007
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JAWORSKI, FRANCIS J

ART UNIT	PAPER NUMBER
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3768

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/799,453	CREVELD ET AL	
	Examiner	Art Unit	
	Jaworski Francis J.	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,18-29 and 31-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,3-16,18-29 and 31-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 3 – 6, 10 , drawn to a System for Authorizing Imaging Transducer Use, classified in class 600, subclass 407.
- II. Claim 7 , drawn to a System for Text Display of Unauthorized Imaging Transducer Use Attempt, classified in class 600, subclass 407.
- III. Claims 8 - 9, drawn to a System for Distinguishing Authorized and Unauthorized Imaging Transducer Use, classified in class 600, subclass 407.
- IV. Claims 11 - 12, drawn to a System for RF Tag Identification of an Imager-associated Transducer, classified in class 600, subclass 407.
- V.. Claim13 -16,18,20 - 22, drawn to A Method of Identifying Unauthorized Transducer Use, classified in class 600, subclass 407.
- VI. Claim 19, drawn to Method of Interactively Identifying Unauthorized Transducer Use, classified in class 600, subclass 407.
- VII. Claims 23 - 28, drawn to A Transducer and Wireless Tag, classified in class 600, subclass 407.
- VIII. Claims 29 and 31 – 33, 41, 43 ,45 drawn to Method for Transducer Identification by Connector Attachment, classified in class600, subclass407.

- IX. Claims 34 - 35, 44 drawn to Method for Distinguishing Transducers, classified in class 600, subclass 407.
- X. Claims 36 - 39, drawn to Method for Distinguishing Transducers Using a Remote Location, classified in class 600, subclass 407.
- XI.. Claims 40, drawn to Method of Transducer Identification Using an Available List of Transducers, classified in class 600 subclass 407
- XII. Claim 42, drawn to Method of Wireless Transducer Proximity Detection by Signal Strength, classified in class 600 subclass 407.

The inventions are distinct, each from the other because of the following reasons:

Claim set Apparatus Group I calls for 'authorization of an identifier' and may pertain for example to authorization of re-calibration.

Claim set Apparatus Group II calls for visual display of texts associated with warnings not required for purposes of Group I.

Claim set Apparatus Group III calls for code matching structure not necessary for purposes of using electronic identifiers or coding in general for purposes of the former.

Claim set Apparatus Group IV uses an RF tag as an identifier which is not required for either electronic identification in general or code matching in particular, where for example optic bar code may be used.

Claim set Method Group V uses a security code assignment for the transducer and displays text messaging of lack of authorization on the imaging device, conditions not required for the aforementioned groups.

Claim set Method Group VI sets forth an interactive follow-up where inter alia the user dialogs with further security information, features not associated with the other aforementioned sets.

Claim set Apparatus Group VII allows the transducer to be any transducer and therefore would embrace for example a filchable IPOD with a Walmart security tag or a tag on an electronic keying device or on a robotic end-effector if such were to exist.

Claim set Method Group VIII requires proximity field interaction with transducer connector portions not required by the other claim sets.

Claim set Method Group IX requires that there be authorization of the transducer in contradistinction to authorization of the identifier in Claim set I. [For example authorization of an identifier in a tiered acceptance system would only mean for example if compatability were first identified then single-use status/expiration/need for calibration might require further authorization in the next security tiers before the transducer is authorized.

Claim set Method Group X sets forth that the identification occurs remote from the imaging device, allowing the possibility of verification by intranet or internet not required by the aforementioned claim sets.

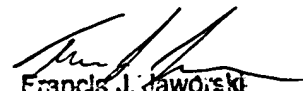
Claim set Method Group XI includes generation of a list of availability i.e. an inventory function not required by the aforementioned groupings.

Claim set Method Group XII calls for proximity activation of the transducer based upon wireless signal strength, a specificity not present in the aforementioned groupings.

[Note that the Examiner to expedite has listed the claim sets in a common outdent by ascribing them as a residual of medical imaging. What this represents in fact is that there is no indent present for 'smart probe' devices in imaging technology, whereas examples proffered in the previous Office action prior to amendatory languages incorporating restrictable further features illustrate for applicants that smart probes are an entity unto themselves, for example a temperature transducer on an ablation device might associate with a wire frame imager or a pressure transducer on an elastographic imager or a proximity transducer on a surgical tool and so forth, with no claim limiting to any particular imaging modality. Hence the true search burden sits astride subclass distinctions and rests in particularizations of encryption/access technology where it extends to sensing instruments or probes.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj 3/31/07


Francis J. Jaworski
Primary Examiner